

 <p>ST. CHARLES S I N C E 1 8 3 4</p>	PLAN COMMISSION AGENDA ITEM EXECUTIVE SUMMARY			
	Project Title/ Address:	General Amendment to Title 17 of the City Code (Zoning Ordinance) regarding a date extension for the amortization of nonconforming signs provision and standards for Historic Sign designation.		
	City Staff:	Russell Colby, Planning Division Manager Ellen Johnson, Planner		
Please check appropriate box (x)				
	PUBLIC HEARING (9/2/14)	X	MEETING (9/2/14)	X
APPLICATIONS UNDER CONSIDERATION:				
General Amendment				
ATTACHMENTS AND SUPPORTING DOCUMENTS				
Staff Report (dated 9/2/14)		General Amendment Application		
Amortization of Nonconforming Signs Status Chart				
EXECUTIVE SUMMARY:				
<p>In October 2006 a complete revision of the Zoning Ordinance was adopted. Included in the revision was a provision that all nonconforming freestanding and wall-mounted signs be brought into compliance with the applicable requirements of Title 17 after a 3-year period (October 16, 2009). This provision was modified in 2009, 2011, and 2013 to provide extensions of the amortization period due to economic uncertainty and construction on Rt. 64. The amortization period currently ends on October 16, 2014.</p> <p>Staff has been periodically updating the P&D Committee on progress to meet the amortization deadline. At the August meeting, the Committee recommended staff look at extending the amortization deadline for a short period to assist property owners to come into compliance, and research broadening the Historic Sign provisions.</p> <p>Staff is presenting a General Amendment for an extension of the amortization of nonconforming signs to June 16, 2015 (an eight-month extension), which will require that all signs be brought into compliance by that date. Staff is also presenting a General Amendment for a change to the historic sign designation date requirement to January 1, 1976, which will allow signs that were erected prior to that date and that meet the other applicable standards to be designated as historic signs and therefore be exempt from the amortization requirement.</p>				
RECOMMENDATION / SUGGESTED ACTION <i>(briefly explain):</i>				
<p>Conduct the public hearing and close if all testimony has been taken.</p> <p>Staff has provided Findings of Fact to vote on tonight, if the Commission believes it is appropriate to close the hearing and is satisfied that no additional information is necessary.</p> <p>Should the Planning Commission choose to make a recommendation this evening, Staff recommends approval of the Application for a General Amendment.</p>				

Community & Economic Development
Planning Division

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Staff Report

TO: Chairman Todd Wallace
and Members of the Plan Commission

FROM: Ellen Johnson, Planner

RE: Application for a General Amendment to Section 17.08.060 Nonconforming Signs
(amortization of nonconforming signs) & Section 17.28.070 Historic Signs (standards for
Historic Sign designation)

DATE: September 2, 2014

I. APPLICATION INFORMATION

Project Name: General Amendments to Title 17 of the City Code (Zoning Ordinance)
regarding a date extension for the amortization of nonconforming signs
provision and standards for Historic Sign designation

Applicant: City of St. Charles

Purpose: To extend the amortization of nonconforming signs requirement by eight
months, to June 16, 2015 and to change the Historic Sign date standard by 10
years, to prior to January 1, 1976.

II. BACKGROUND

AMORTIZATION OF NONCONFORMING SIGNS

A complete revision of the Zoning Ordinance was adopted on October 16, 2006. Included in the revised Ordinance was a provision that all nonconforming freestanding and wall-mounted signs be brought into compliance with the applicable requirements of Title 17 after a 3-year period (October 16, 2009).

In 2009 and 2011, the City Council approved two-year extensions of the amortization period. Both times, the Council stated that in consideration of economic uncertainty and construction of Rt. 64 by IDOT that the sign amortization period would be extended. In 2013, Council approved an additional one-year extension of the amortization period.

The amortization period currently ends on October 16, 2014, meaning that nonconforming signs will have to be brought into compliance with the Zoning Ordinance by that date.

At the August 11, 2014 meeting of the P&D Committee, staff provided an update regarding the sign amortization. Staff explained they have been working with business and property owners to come into compliance with the Zoning Ordinance and have been processing applications for zoning variations through the Zoning Board of Appeals process.

Staff advised the Committee that another eight month extension would allow more time for the

remaining properties to come into compliance. The Committee directed staff to proceed with a General Amendment to extend the sign amortization deadline to June 16, 2015.

HISTORIC SIGNS

The Zoning Ordinance allows signs that meet certain criteria to be designated as “historic signs.” This designation allows nonconforming signs that meet the applicable criteria to remain in place after the amortization deadline. When the Zoning Ordinance was adopted in 2006, existing signs for the Arcada Theatre and Zimmerman Ford were designated as historic signs. In August 2014, City Council approved a historic sign designation for St. Charles Bowl.

One of the standards that must be met for historic sign designation is that the sign was erected prior to January 1, 1966 and has been maintained in the same location since that date. Through discussions with business owners regarding the amortization of nonconforming signs, it has come to staff’s attention that certain signs connected to longtime St. Charles businesses meet all of the standards required of a historic sign designation, other than the date cutoff. P&D Committee expressed an interest in seeing if the historic sign requirements could be expanded to accommodate signs that are close to meeting the standards. Staff is proposing to extend the date by 10 years, to January 1, 1976, to accommodate those signs while still meeting the intent of the Historic Sign provision of the Zoning Ordinance.

When the Zoning Ordinance was adopted in 2006, the historic sign date standard was set at 40 years prior to 2006. With the amortization deadline proposed to be extended to June 2015, staff is recommending the historic sign date standard be amended to 40 years prior to the extended amortization deadline. Staff believes the January 1, 1976 date is appropriate to provide for signs constructed during the 1975 calendar year or earlier.

III. PROPOSAL

AMORTIZATION OF NONCONFORMING SIGNS

Staff has filed an application for a General Amendment for an extension of the amortization provisions of **Section 17.08.060 Nonconforming Signs**, to June 16, 2015 (an eight month extension). Currently the Ordinance requires all nonconforming signs be removed within eight years of the effective date of the Zoning Ordinance (October 16, 2014). The section states:

- A. *Where a freestanding sign mounted on a pole, pylon, foundation, or other supporting structure is nonconforming, the sign and its supporting structure shall be removed or otherwise modified to conform to the provisions of this Title within eight (8) years of the effective date of this Title, or within fifteen (15) years after its initial construction, whichever is later.*
- B. *Where a sign other than a freestanding sign is nonconforming, it shall be removed or otherwise modified to conform to the provisions of the Title within eight (8) years of the effective date of this Title, or within eight (8) years after its initial construction, whichever is later.*

The proposed amendment requires that all nonconforming signs be removed by June 16, 2015. The General Amendment is as follows:

- A. *Where a freestanding sign mounted on a pole, pylon, foundation, or other supporting structure is nonconforming, the sign and its supporting structure shall be removed or*

otherwise modified to conform to the provisions of this Title by June 16, 2015, or within fifteen (15) years after its initial construction, whichever is later.

- B. *Where a sign other than a freestanding sign is nonconforming, it shall be removed or otherwise modified to conform to the provisions of this Title by June 16, 2015, or within eight (8) years after its initial construction, whichever is later.*

HISTORIC SIGNS

Staff has filed an application for a General Amendment to change the historic sign designation date standard of **Section 17.28.070 Historic Signs** to prior to January 1, 1976. Currently the Ordinance requires that signs be erected prior to January 1, 1966 to be considered for historic sign designation. The section states:

A small number of existing signs in the City may be closely identified with a cultural or commercial entity or building that forms a part of the character or history of the community. Such signs, however, may have been erected under a previous code and may not conform to all of the provisions of this Chapter. The intent of this Section is to permit such signs to be maintained. Therefore, a sign erected prior to January 1, 1966 that does not conform to one or more provisions of this Chapter may continue to be maintained and shall not be subject to the amortization provisions of this Title, if the City Council determines, upon the recommendation of the Historic Preservation Commission, that all of the following standards have been met:

- A. *The sign was lawfully erected prior to January 1, 1966, and has been continuously maintained in the same location since that date.*
- B. *The sign:*
- a. *Is attached to a significant historic building or landmark, and has come to be identified with that building or landmark, whether or not it is original to it; or*
 - b. *Is located on a site that has been continuously operated for the same business use since January 1, 1966 or earlier.*
- C. *The sign is a unique shape or type of design representative of its era, and that is not commonly found in contemporary signs.*
- D. *The sign identifies a building or business that is associated with a family, business or organization that was noteworthy in the history of the St. Charles community.*
- E. *The sign does not violate Section 17.28.080 Prohibited Signs.*

The proposed amendment requires that, among the other existing standards, the sign must have been erected prior to January 1, 1976 to be designated a historic sign. The General Amendment is as follows:

...Therefore, a sign erected prior to January 1, 1976 that does not conform to one or more provisions in this Chapter may continue to be maintained and shall not be subject to the amortization provisions of this Title, if the City Council determines, upon the recommendation of the Historic Preservation Commission, that all of the following standards have been met:

- A. *The sign was lawfully erected prior to January 1, 1976, and has been continuously maintained in the same location since that date.*
- B. *The sign:*
- a. *Is attached to a significant historic building or landmark, and has come to be identified with that building or landmark, whether or not it is original to it; or*
 - b. *Is located on a site that has been continuously operated for the same business use since January 1, 1976 or earlier.*
- C, D, E. *(Same as above)*

IV. ANALYSIS

AMORTIZATION OF NONCONFORMING SIGNS

Staff has surveyed and compiled a list of nonconforming signs (attached). The majority of these signs exist along Main Street. In total, there are approximately 35 remaining nonconforming signs. One variation has been applied for and issued by the Zoning Board of Appeals, and another variation request will be considered at the Board's September meeting. Additional property/business owners have expressed interest in seeking a variation, although applications have yet to be filed.

HISTORIC SIGNS

Staff has identified a couple nonconforming signs that may meet the historic sign designation standards, if the proposed amendment is adopted. These businesses are Kevin's Service Station (201 S. 2nd St.) and Salerno's (320 N. 2nd St.).

In order for the signs connected to these businesses to be designated historic signs and therefore be permitted to remain, the business owners would need to request the designation from the City. The Historic Preservation Commission would make a recommendation to City Council regarding whether the sign meets the applicable standards. City Council would then either approve or deny the historic sign designation. This designation does not prevent the sign from being removed or changed in the future.

V. RECOMMENDATION

Staff recommends approval of the General Amendments. The findings of fact to support that recommendation have been provided by staff below as part of the General Amendment application.

If the Commission believes it is appropriate to close the hearing and is satisfied with the information provided, it may make a recommendation.

VI. FINDINGS OF FACT

AMORTIZATION OF NONCONFORMING SIGNS

Application for a General Amendment

1. The consistency of the proposed amendment with the City's Comprehensive Plan

N/A

2. The consistency of the proposed amendment with the intent and general regulations of this Title.

The amendment is simply an extension of the time period for the existing amortization of nonconforming sign requirement to provide additional time for signs to come into compliance and therefore does not alter the original intent of the Zoning Ordinance.

3. Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, is more workable than the existing text, or reflects a change of policy.

The amendment is more workable than the existing text. The first three extensions to the amortization period were approved by Council due to uncertainties regarding IDOT construction projects along Rt. 64 and the incompleteness of said projects. This amendment will grant property/business owners who have not yet come into compliance additional time to determine how to bring their sign into compliance, including those seeking a variation from the Zoning Board of Appeals.

4. The extent to which the proposed amendment would be in the public interest and would not serve solely the interest of the applicant.

The additional eight month extension granted by the amendment will give the property/business owners currently in the process of coming into compliance time to do so within the allowable timeframe.

5. The extent to which the proposed amendment creates non-conformities.

The amendment requires that nonconforming signs be brought into compliance with **Chapter 17.28 Signs** of the Zoning Ordinance by June 16, 2015. The intent of this amortization, to eliminate existing nonconformities, will not be altered.

6. The implications of the proposed amendment on all similarly zoned property in the City.

The amendment will apply to all properties that are affected by the amortization requirement, regardless of zoning district.

HISTORIC SIGNS

Application for a General Amendment

1. The consistency of the proposed amendment with the City's Comprehensive Plan

N/A

2. The consistency of the proposed amendment with the intent and general regulations of this Title.

The amendment will not change any of the standards for historic sign designation listed in the applicable section of the Zoning Ordinance, other than the date before which the sign must be erected. The extension of the date will permit a select number of existing signs that are important to the community's character and history to remain.

3. Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, is more workable than the existing text, or reflects a change of policy.

The amendment is more workable than the existing text, due to the change of date for the amortization of nonconforming signs. The amendment also reflects a change of policy to allow additional historic signs.

4. The extent to which the proposed amendment would be in the public interest and would not serve solely the interest of the applicant.

The amendment will serve the public interest by allowing additional longtime St. Charles businesses to retain their original, well-recognized signs, which add to the character and history of the community.

5. The extent to which the proposed amendment creates non-conformities.

The amendment will not create additional nonconformities, but rather will continue to permit nonconforming signs that meet specified historic standards to be exempt from the amortization provision for nonconforming signs.

6. The implications of the proposed amendment on all similarly zoned property in the City.

The amendment will apply to all properties, regardless of zoning district.

Amortization of Signs					
Address	Business Name	Sign Brought Into Compliance	Sign Permit Submitted/Issued	Non-Conforming Signs Remaining	Notes
1001 E Main Street	Multi Tenant Office Building	Yes			Sign Removed - Permit to be submitted
1302 E Main Street	Valvoline Oil Change	Yes			
1350 E Main Street	Partners in Mortgage	Yes			
1400 W Main Street	Ray's Evergreen	Yes			
1405-1625 W Main Street	Valley Shopping Center	Yes			
1502 W Main Street	Midas	Yes			
1525 W Main Street	Fifth/Third Bank	Yes			
1635 E Main Street	Best Western	Yes			
1645 E Main Street	Firestone	Yes			
1650 W Main Street	Gabby's (Spring View)	Yes			
1711 W Main Street	Dunkin Donuts	Yes			
1825 W Main Street	Kabob's (Old KFC)	Yes			
2010 E Main Street	Heinz Bros Greenhouse	Yes			
2010 W Main Street	Pep Boys	Yes			
3795 E Main Street	Chili's	Yes			
540 S Randall Road	Circuit Clerks Office	Yes			
716 E Main Street	Dance Academy	Yes			
818 E Main Street	Tastee Freeze	Yes			
904 E Main Street	Reber & Foley	Yes			
1660 W Main Street	BP Gas Station	Yes	Yes		
1915 W Main Street	McDonalds	Yes			
116 E Main Street	Life Church			Yes	Working with property owner on new sign.
1023 W Main Street	Mobile Gas Station			Yes	
1121 E Main Street	Office Building			Yes	Future meeting with new owner to be scheduled.
1301 E Main Street	Cyndirella's Academy			Yes	
1303 W Main Street	Fox Valley Travel			Yes	Spoke with owner Dr. Baginski on 06/12/2014 - Working to find scrap contractor to remove sign - building is for sale.
1317 E Main Street	Rex's Cork & Fork	Yes			
1421 E Main Street	GMC Car Dealer			Yes	
1434 E Main Street	Office Building	Yes			
1520 E Main Street	Super 8 Motel			Yes	
1545 W Main Street	Rookie's			Yes	
1546-1590 E Main Street	Tin Cup Pass (6 Signs)			Yes	Six-6 signs Met with property owner on 06/20/2014 on new sign and possible setback variation.
1625 E Main Street	Colonial Café			Yes	Variation is scheduled to be heard on 07/2014. Variation Granted/Approved.
1640 W Main Street	St Charles Memorial			Yes	
2015 E Main Street	McCue Chevrolet			Yes	Conference call with the sign manufacturer held on 06/11/2014. Provided zoning information to sign company on 08/04/2014.
2115 W Main Street	Beef Shack			Yes	Discussion on new sign held on 06/10/2014 - site meeting to be scheduled for setback variation. Second site meeting with sign contractor scheduled for 08/07/2014.
2125 W Main Street	Los Burritos			Yes	

2425 W Main Street	Old Deck Yard	Yes	Sign will be removed with demolition of building in August/September 2014.
2500 E Main Street	Circle K (Shell Gas Station)	Yes	Provided information on sign requirements on 08/04/2014.
2520 E Main Street	Corfu Restaurant	Yes	Met with property owner and discussion took place with business owner on options.
2520 W Main Street	St. Charles Bowl	Yes	Discussion with business manager on sign requirements. Discussion with staff on possible historic sign designation. Future meeting in July with Historic Commission. Proceeding with historic sign designation.
2536 E Main Street	BOSA Donuts	Yes	Met with property owner on sign regulations. Working with sign contractor on possibility of using existing sign.
2701 W Main Street	Cada Pool & Spa	Yes	
300 N Randall Road	Illinois Central Bus	Yes	Discussion with sign contractor held in January of 2014 in regard to using existing sign - just lowering down to be compliant.
521 W Main Street	McDowell	Yes	Met with property/business owner on 06/09/2014 to review new sign drawings. Owner is scheduling to meet with the Corridor Commission for grant funding. Applied for Grant.
605 W Main Street	Amerprise	Yes	Discussions held with property/business owner throughout 2013 and 2014 on sign. Owner planning on requesting grant funding through Corridor Commission.
619 W Main Street	Premier Interiors	Yes	Discussion with property/business owner on 06/13/2014 regarding sign regulations. Sign must come into compliance by 2016.
614 E Main Street	Lundeen Liquors	Yes	Discussion with property owner held on 07/18/2014. Reviewing possibility of using one existing sign for entire property/business.
620 E Main Street	State Bank	Yes	Discussion with property owner held on 07/18/2014. Reviewing possibility of using one existing sign for entire property/business.
713 E Main Street	Sheen & Associates	Yes	Site meeting with property/business owner held on 06/10/2014. New location and size - possible variation.
801 E Main Street	Catella Building	Yes	Meeting at the site held 06/20/2014 with sign contractor and owner. Reviewed new sign and discussed setback variation.
824 W Main Street	Bob Dorr Plumbing	Yes	Owner lowered sign in compliance in 2012. Discussion took place on setback variation. Applying for Variation.
201 S 2nd Street	Kevin's Service Station	Yes	Met with owner in April 2014. Staff can recommend Façade Grant for new building sign. Met with property owner 08/04/2014 - possibility of historic designation on existing sign.
320 N 2nd Street	Salerno's	Yes	Met with owner in April 2014. Staff can recommend Façade Grant for new building sign. Met with property owner 08/04/2014 - possibility of historic designation on existing sign.
305 N 2nd Street	Old Art Studio (Fireplace Store)	Yes	
303 N 2nd Street	Multi-tenant	Yes	Met with property owner. Will schedule for setback variation.
221 S 2nd Street	Mark's 2nd Street Tavern	Yes	Last site meeting with property and business owner was in summer of 2013 on possible location.
420 S 3rd Street	Robbin's Flowers	Yes	

214 S 3rd Street	Law Office				Yes	
200 S 2nd Street	Francesca's				Yes	Discussion with business manager in January 2014 on possible sign locations.
415 S 1st Street	Vacant				Yes	Met with property owners on 06/11/2014. Will be removing sign prior to October 2014.
602 Geneva Road	Jalapeno Grill		Yes		Yes	Sign removed.

CITY OF ST. CHARLES
TWO EAST MAIN STREET
ST. CHARLES, ILLINOIS 60174-1984

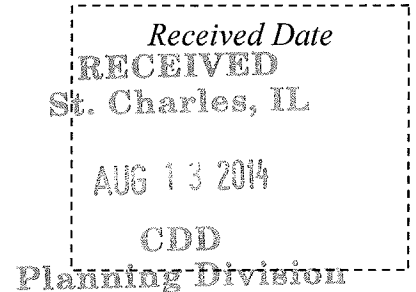


COMMUNITY DEVELOPMENT/PLANNING DIVISION

PHONE: (630) 377-4443 FAX: (630) 377-4062

GENERAL AMENDMENT APPLICATION

CITYVIEW	
Project Name:	<u>G.A. - Non-Conforming Signs</u>
Project Number:	<u>2014</u> -PR- <u>018</u>
Application Number:	<u>2014</u> -AP- <u>031</u>



Instructions:

To request an amendment to the text of the St. Charles Zoning Ordinance, complete this application and submit it with all required attachments to the Planning Division.

City staff will review submittals for completeness and for compliance with applicable requirements prior to establishing a meeting or public hearing date for an application.

The information you provide must be complete and accurate. If you have a question please call the Planning Division and we will be happy to assist you.

1. Applicant:	Name	City of St. Charles	Phone	(630)377-4443
	Address	2 E. Main Street St. Charles, IL 61074	Fax	(630)762-6924
			Email	ejohnson@stcharesil.gov
2. Billing: <i>Who is responsible for paying application fees and reimbursements?</i>	Name	City of St. Charles	Phone	(630)377-4443
	Address	2 E. Main Street St. Charles, IL 61074	Fax	(630)762-6924
			Email	ejohnson@stcharesil.gov

Attachment Checklist

- ☐ **APPLICATION:** Completed application form
- ☐ **APPLICATION FEE:** Application fee in accordance with Appendix B of the Zoning Ordinance.
- ☐ **REIMBURSEMENT OF FEES AGREEMENT:** An original, executed Reimbursement of Fees Agreement and deposit of funds in escrow with the City, as provided by Appendix B of the Zoning Ordinance.
- ☐ **WORDING OF THE REQUESTED TEXT AMENDMENT**

One (1) copy of Proposed Amendment (Letter Sized) and one (1) Electronic Microsoft Word version on CD-ROM

Requested Text Amendment

To amend Section(s) See Attached of the St. Charles Zoning Ordinance. The wording of the proposed amendment is: (attach sheets if necessary)

I (we) certify that this application and the documents submitted with it are true and correct to the best of my (our) knowledge and belief.

Ellen Johnson 8/13/14
Applicant Date

Chapter 17.08.060 Nonconforming Signs

- A. Where a freestanding sign mounted on a pole, pylon, foundation, or other supporting structure is nonconforming, the sign and its supporting structure shall be removed or otherwise modified to conform to the provisions of this Title by June 16, 2015, or within fifteen (15) years after its initial construction, whichever is later.
- B. Where a sign other than a freestanding sign is nonconforming, it shall be removed or otherwise modified to conform to the provisions of this Title by June 16, 2015, or within eight (8) years after its initial construction, whichever is later.

Chapter 17.28.070 Historic Signs

...Therefore, a sign erected prior to January 1, 1976 that does not conform to one or more provisions in this Chapter may continue to be maintained and shall not be subject to the amortization provisions of this Title, if the City Council determines, upon the recommendation of the Historic Preservation Commission, that all of the following standards have been met:

- A. The sign was lawfully erected prior to January 1, 1976, and has been continuously maintained in the same location since that date.
- B. The sign:
 - 1. Is attached to a significant historic building or landmark, and has come to be identified with that building or landmark, whether or not it is original to it; or
 - 2. Is located on a site that has been continuously operated for the same business use since January 1, 1976 or earlier.